

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TERRANCE E. WILLIAMS,

Plaintiff

v.

STATE OF NEVADA,

Defendant.

Case No. 3:23-CV-00581-ART-CLB

**ORDER TO FILE COMPLAINT AND  
EITHER PAY FILING FEE OR FILE  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

**I. DISCUSSION**

On November 17, 2023, Plaintiff Terrance E. Williams (“Williams”), an inmate in the custody of the Washoe County Sheriff’s Office filed a “motion to submit a temporary injunction relief claim.” (ECF No. 1-1.) However, Williams has not filed a complaint, and has neither paid the full \$402 filing fee for this matter, nor filed an application to proceed *in forma pauperis*.

Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. While Williams filed a motion, but not a complaint, no action has been commenced in this Court. Thus, Williams must file a complaint with the Court to initiate an action.

Additionally, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

Accordingly, the Court will grant Williams a one-time opportunity to (1) file a complaint and (2) a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **Monday, December 18, 2023**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Williams is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **Monday, December 18, 2023**, this case will be subject to dismissal without prejudice for Williams to file a new case with the Court when Williams is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Williams does not give up the right to refile the case with the Court, under a new case number, when Williams has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Williams may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **Monday, December 18, 2023** to proceed with this case.

## II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will **SEND** Williams the approved form for filing a § 1983 complaint by an inmate, and instructions for the same.

**IT IS FURTHER ORDERED** that the Clerk of the Court will **SEND** Williams the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

**IT IS FURTHER ORDERED** that on or before **Monday, December 18, 2023**, Williams will submit a complaint to this Court, and either pay the full \$402 filing fee for a

1 civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with  
2 the Court:

3 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
4 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
5 signatures on page 3),

6 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
7 official (i.e. page 4 of this Court's approved form), and

8 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
9 **previous six-month period.**

10 **IT IS FURTHER ORDERED** that, if Williams does not file a complaint and a fully  
11 complete application to proceed *in forma pauperis* with all three documents or pay the  
12 full \$402 filing fee for a civil action on or before **Monday, December 18, 2023**, this case  
13 will be subject to dismissal without prejudice for Williams to refile the case with the  
14 Court, under a new case number, when Williams has all three documents needed  
15 to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing  
16 fee.

17 **IT IS SO ORDERED.**

18 **DATED:** November 17, 2023.

19   
20 **UNITED STATES MAGISTRATE JUDGE**